ANNUAL REPORT 2012/13

COMMISSIONER FOR TEACHER REGULATION

BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

BRITISH COLUMBIA COMMISSIONER FOR TEACHER REGULATION

July 31, 2013

The Honourable Peter Fassbender
Minister of Education
Room 310, Parliament Buildings
Victoria, BC V8W 9E2

Dear Minister Fassbender:

It is my honour to present to you the 2012-2013 Annual Report for the Office of the Commissioner for Teacher Regulation. This report covers the period from January 9, 2012 when the *Teachers Act* came into effect to June 30, 2013, the end of the 2012/2013 school year.

This report has been prepared and submitted in accordance with section 5 of the *Teachers Act*.

Sincerely,

Honourable Bruce Preston
Commissioner for Teacher Regulation

British Columbia Commissioner for Teacher Regulation
Office of the Commissioner
Mailing Address: 400-2025 West Broadway Vancouver, BC V6J 1Z6
Telephone: 604 731 8170
Facsimile: 604 731 9145
Toll Free: 1 800 555 3684

ANNUAL REPORT 2012/2013

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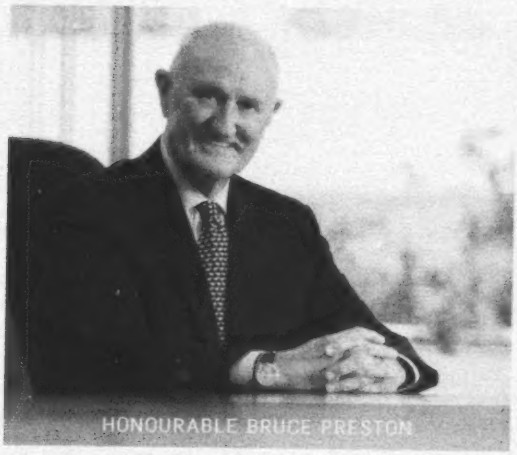
COMMISSIONER'S MESSAGE



HONOURABLE BRUCE PRESTON

The *Teachers Act*, legislation that created a new regulatory system for teachers in British Columbia, is based on two guiding principles: public interest and transparency. The creation of an independent Commissioner for Teacher Regulation and the embodiment of those two foundational principles are intended to increase public confidence that teachers who fail to meet the Standards for educators in British Columbia will be held accountable.

In British Columbia there are more than 68,000 individuals holding teaching certificates issued by the Ministry of Education and, on average, fewer than 200 complaints and reports are received per year concerning teacher conduct and competence. Additionally, I expect to initiate approximately 15 – 30 investigations on the basis of other information that I receive.

As Commissioner, my job is to review these complaints, reports and investigations, and to oversee the disciplinary process. This process is intended to both deter and correct behaviour that harms students or renders their right to a proper education meaningless because a teacher is not competent to perform his or her teaching duties. While another objective of my job is to preserve the good reputation that teachers have achieved in this province, I consider this secondary to my main priority of protecting students and ensuring that all BC certified teachers maintain the necessary professional Standards.

The Ministry of Education, through the Teacher Regulation Branch, provides me with the necessary administrative resources to carry out my mandate. Since being appointed the first permanent Commissioner for Teacher Regulation on November 12, 2012, I have seen the Teacher Regulation Branch experience a number of challenges with respect to the implementation of the *Teachers Act* and the transition from the BC College of Teachers. These challenges include a restructuring of staff positions in the Teacher Regulation Branch's Professional Conduct Unit, and extensive changes to a number of cumbersome disciplinary processes inherited from the BC College of Teachers.

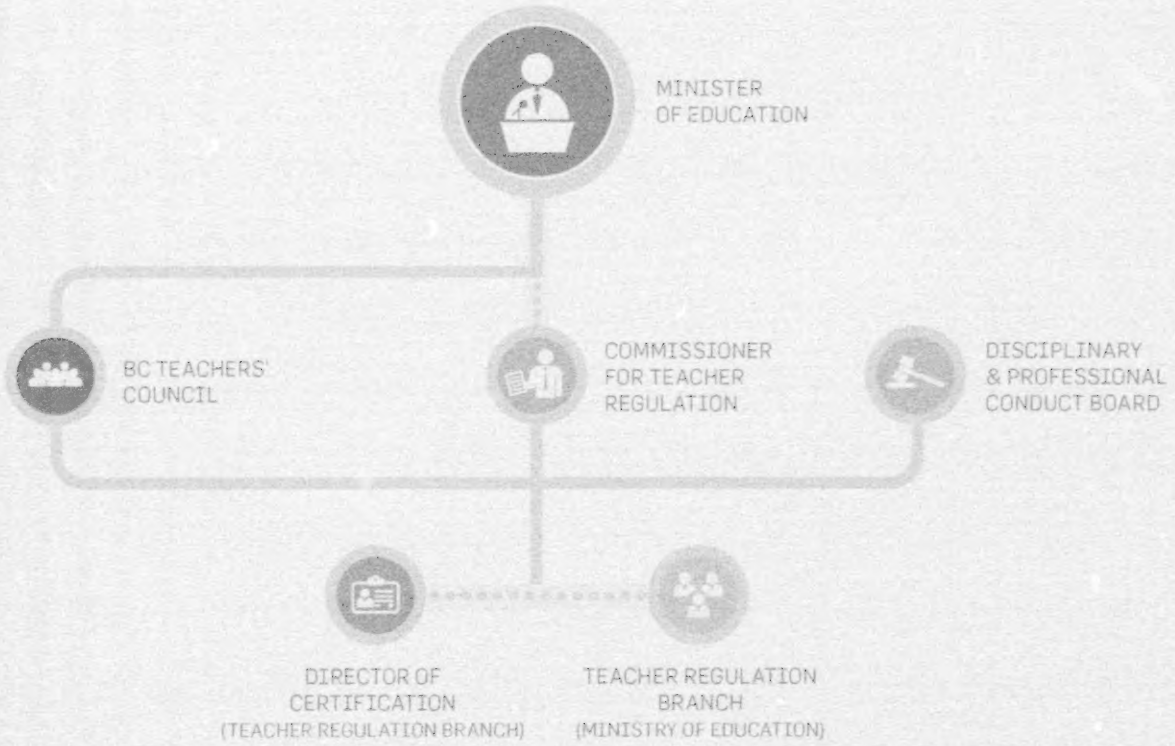
In light of these challenges, my initial goals as Commissioner have been to work with Teacher Regulation Branch staff to ensure better alignment of processes with the principles of the *Teachers Act*, and to eliminate all needless delay in the disciplinary processes. During my 22 years as a judge I experienced the negative effect that delay has on adjudicative processes. Delay destroys the fairness of the process. It is hard on the teachers involved and it is frustrating for individuals making complaints. Although rooting out delay in administrative processes is laborious, I believe substantial progress has been made to date. I plan to continue this work next year, with the hope that the disciplinary processes in place by the 2013-2014 Annual Report will be expeditious as well as fair and transparent.

I would like to acknowledge the work performed by the dedicated, competent and qualified employees of the Teacher Regulation Branch. I am extremely impressed by the manner in which the challenges posed by the transition have been overcome by the Teacher Regulation Branch. I believe we are well positioned to meet the 2013-2014 objectives outlined in this report.

TRANSITION TO A NEW REGULATORY STRUCTURE

The new system for teacher regulation administered by the Ministry of Education's Teacher Regulation Branch came into force January 9, 2012. The new regulatory structure consists of five separate and distinct bodies, each of which plays a unique role under the *Teachers Act*.

The *Teachers Act* is based on two foundational and paramount principles: **public interest** & **transparency**


MINISTER OF EDUCATION
BC TEACHERS' COUNCIL
COMMISSIONER FOR TEACHER REGULATION
DISCIPLINARY & PROFESSIONAL CONDUCT BOARD
DIRECTOR OF CERTIFICATION (TEACHER REGULATION BRANCH)
TEACHER REGULATION BRANCH (MINISTRY OF EDUCATION)

COMMISSIONER FOR TEACHER REGULATION

Oversees all disciplinary processes.

Conducts preliminary reviews of certification appeals.

Assumes the role once played by BC College of Teachers Council members with respect to professional conduct.

BC TEACHERS' COUNCIL

Comprised of 15 members who have been elected or appointed, and one non-voting Ministry of Education representative, for a total of 16 members.

The Council establishes standards for the conduct and competence of applicants, sets standards for the education of applicants for certification, establishes teacher education program approval standards, and determines if teacher education programs meet these standards.

DISCIPLINARY AND PROFESSIONAL CONDUCT BOARD

Consists of nine Council members appointed by the Minister. The Commissioner draws from the group to serve on three-member hearing panels.

The Commissioner may also appoint non-Board members from a nine person pool of lay people with legal and/or regulatory experience to serve on hearing panels.

DIRECTOR OF CERTIFICATION

Issues, suspends and cancels Certificates of Qualification and Letters of Permission.

Maintains the Online Registry of Certificate Holders, their certificate status, and any disciplinary action, if such a record exists. This list is publicly accessible on the Teacher Regulation Branch website.

Ministry of Education staff member.

TEACHER REGULATION BRANCH

Serves as the operational arm of the regulatory structure providing administrative support to the various regulatory bodies listed here.

Administers the certification and disciplinary processes for teachers in the kindergarten to grade 12 public and independent school systems.

Part of the Ministry of Education.

ABOUT THE COMMISSIONER FOR TEACHER REGULATION

The term "teacher," as used in this report, refers to an individual who holds a Certificate of Qualification, a Letter of Permission or an Independent School Teaching Certificate. "Teachers" include superintendents, principals, vice-principals, directors, and classroom teachers in the K-12 public and independent school systems in BC.

[APPOINTMENT]

Following a recruitment process, and on the recommendation of the Minister of Education, a permanent Commissioner for Teacher Regulation was appointed under section 2 of the *Teachers Act* on November 12, 2012 by Order in Council. The five-year term of this appointment will expire November, 2017.

Prior to the appointment of a permanent Commissioner, two interim Commissioners served under the *Teachers Act* overseeing professional conduct and competence matters, and certification appeals.

[MANDATE]

The Commissioner is an independent statutory decision-maker and has the responsibility to:

- oversee all disciplinary processes for teachers working in the public and independent school systems, in accordance with the *Teachers Act*;
- receive complaints about the conduct or competence of teachers;
- review information gathered as a result of a report or complaint and decide which process, as set out in the *Teachers Act*, is appropriate to address the matter;
- receive and review certification appeals from applicants who have been denied a certificate by the Director of Certification or from teachers who have had their certificate rescinded by the Director Certification; and
- appoint panels to consider evidence and submissions at a discipline hearing.

The Commissioner does not decide the merits of a report or complaint about the conduct or competence of a teacher, nor does he make any decisions concerning guilt or innocence. The function of the Commissioner is to ensure that concerns about the competence and conduct of teachers are addressed independently, fairly, transparently, expeditiously and in the public interest.

The function of the Commissioner is to ensure that concerns about the competence and conduct of teachers are addressed independently, fairly, transparently, expeditiously and in the public interest.

Prior to the establishment of a Commissioner under the *Teachers Act*, the BC College of Teachers Council oversaw professional conduct, competence and fitness matters. Statutory committees led by a member of the College Council established two sub-committees to deal with conduct and fitness matters.

The Preliminary Investigation Sub-Committee, comprised of three members of the College Council, received reports and complaints and, following an initial review, determined what if any further action was required. The Fitness Investigations Sub-Committee, also comprised of three College Council members, was responsible for determining whether an applicant met the College's Standards for fitness as a teacher.

The processes and structure now in place differ from those that were in place under the *Teaching Profession Act*. The most important change is the independence of the Commissioner as a statutory decision maker. This independence ensures that the decisions of the Commissioner are free from potential conflicts of interest and from government and union interference.

[GUIDING PRINCIPLES]

The work of the Commissioner is guided by the following principles:

Independence

The role of the Commissioner is structured to ensure the Commissioner has the authority to carry out his mandate free of any influence or interference.

Procedural Fairness

The Commissioner oversees processes that ensure:

- each teacher involved in the disciplinary process is given an adequate opportunity to present his/her case;
- a balanced and considered assessment of the information and evidence;
- there is no real or perceived bias in relation to any decision making; and
- any conflict of interest that could impact an investigation or disciplinary proceeding is identified.

Expediency

The Commissioner works with Ministry of Education staff to evaluate the administrative steps in the disciplinary process to ensure that delays are minimized and that concerns related to the competence and conduct of teachers are resolved in a timely manner.

Transparency and Public Interest

The Commissioner works in the interest of the public, with the goal of ensuring every aspect of the disciplinary process is as transparent as possible – from the holding of public hearings to the publication and notification of discipline outcomes. Unless the law dictates otherwise, information on disciplinary proceedings and outcomes will be available on the Teacher Regulation Branch website.

ADMINISTRATIVE SUPPORT FUNCTIONS

The Ministry of Education's Teacher Regulation Branch is charged with the operation of the new teacher regulation system in British Columbia.

The Teacher Regulation Branch is responsible for providing the administrative support necessary for the Commissioner to carry out his mandate under the *Teachers Act*. To ensure the functions of the Commissioner are carried out efficiently, the *Teachers Act* provides the Commissioner with the authority to delegate administrative aspects of his statutory responsibility to Teacher Regulation Branch staff. Based on these delegations, Professional Conduct Unit staff, led by the Director of Professional Conduct under the oversight of the Executive Director of the Teacher Regulation Branch, perform the administrative functions associated with: the intake of complaints and reports from Boards of Education and Independent School Authority; investigations ordered by the Commissioner; consent resolution of complaints and reports against teachers; and hearing panels selected by the Commissioner under the *Teachers Act*.

The Commissioner is also supported by Ministry of Justice legal counsel.

COMMISSIONER FOR TEACHER REGULATION
LEGAL SERVICES BRANCH MINISTRY OF JUSTICE
TEACHER REGULATION BRANCH MINISTRY OF EDUCATION
LEGAL COUNSEL
• HEARINGS • CONSENT RESOLUTION
• INTAKE • INVESTIGATIONS
PROFESSIONAL CONDUCT UNIT STAFF

Since being appointed, the Commissioner has observed firsthand the challenges faced by the Teacher Regulation Branch as a result of the transition from the BC College of Teachers. As illustrated below, there was a high attrition rate among former College staff in the Professional Conduct Unit. The resulting turnover of employees disrupted the changeover from College processes and procedures to new procedures under the *Teachers Act*. With the assistance of Teacher Regulation Branch's management, the turnover in personnel has been addressed and resolved.

PROFESSIONAL CONDUCT STAFFING LEVELS

YEAR IN REVIEW

Since taking office, a main focus of the Commissioner has been to review and modify the administrative processes relating to the regulation of conduct and competence of teachers inherited from the BC College of Teachers and to align the processes with the requirements of the *Teachers Act*. The section below speaks to the various areas where administrative changes are being made to ensure more expedient and effective disciplinary processes.

Given the shared responsibility of this new regulatory structure, and the new role of the Commissioner, another key objective of the Commissioner has been to engage with the public and education stakeholders to answer questions or concerns individuals may have and explain the disciplinary processes of the new model. Since taking office, the Commissioner has engaged in discussions with teachers, parents, and the public in a number of school districts. He has also delivered more targeted presentations to the BC School Trustees Association, the BC Confederation of Parent Advisory Councils, and the BC School Superintendents' Association.

The statistics provided in this report cover the reporting period January 9, 2012 to June 30, 2013.

[THE DISCIPLINARY PROCESS]

Improvements have been made to the processes and procedures for professional conduct related matters; however, this is still a work in progress. These changes are intended to ensure that reports and complaints are handled in an expeditious manner upon their receipt, that students in schools are kept safe, and that the public's confidence in the regulatory processes is maintained.

A significant backlog of cases has been inherited from the BC College of Teachers. As a result, the statistics presented in this section of the report do not, in all cases, clearly reflect progress to date. Once any remaining backlog is cleared, statistics for the 2013-2014 Annual Report are expected to more accurately reflect the Commissioner's changes to the adjudicative and administrative processes.

Complaints, reports and Commissioner initiated investigations

The disciplinary process begins when the Commissioner receives a report or complaint regarding the conduct or competence of a teacher. The process may also be initiated when the Commissioner decides an investigation into the conduct or competence of a teacher is necessary after becoming aware of a possible breach of the Standards for educators in BC through avenues such as a media reports, a self–report from a teacher, or a notification from the Ministry of Justice.

Between January 2012 and June 2013 the Commissioner received

88 complaints and **190 reports**
related to teacher conduct and competence matters.

As permitted under the *Teachers Act*, the Commissioner initiated

41 investigations into teacher conduct and competency
after becoming aware of the need for such a review.

While Commissioner initiated investigations occur less frequently compared to the number of reports or complaints received, this is an important function of the Commissioner and is one that is being used on an increasing basis as it allows the Commissioner to initiate the disciplinary process immediately upon being made aware of a possible breach of the Standards for educators in BC.

CONDUCT/COMPETENCE CONCERNS RECEIVED OR INITIATED

[January 2012 – June 2013]

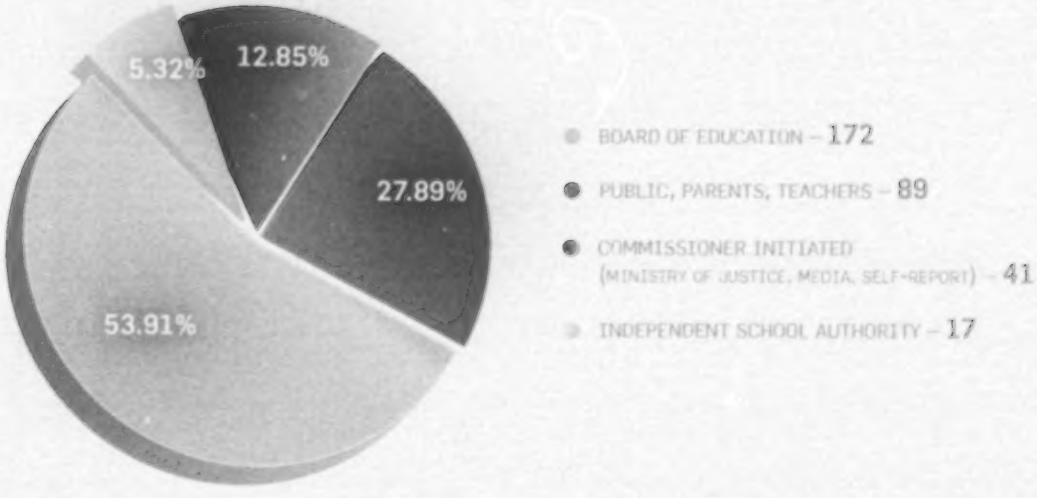
Origin of complaints and reports received

Under the *Teachers Act*, the *School Act*, and the *Independent School Act* teachers and employers are required to report any instance of misconduct or incompetence of a teacher even if discipline at the employment level has already been imposed. Under the *Criminal Records Review Act* (CRRA), teachers are required to self-report if they are criminally charged or convicted in relation to a "relevant offence" as listed in Schedule 1 of the CRAA (e.g. sexual interference or exploitation, luring a child etc).

For this reporting period, the majority of reports received by the Commissioner originated from Boards of Education. These reports informed the Commissioner of those teachers who received a Letter of Discipline, were suspended or terminated, were believed to have breached the Standards, or who resigned due to a conduct or competence related matter.

Since the implementation of the *Teachers Act*, the Commissioner has seen the number of complaints received from the public increase steadily. The Commissioner expects this number to rise in the next reporting period due to increased engagement with the public on the Standards for education in BC.

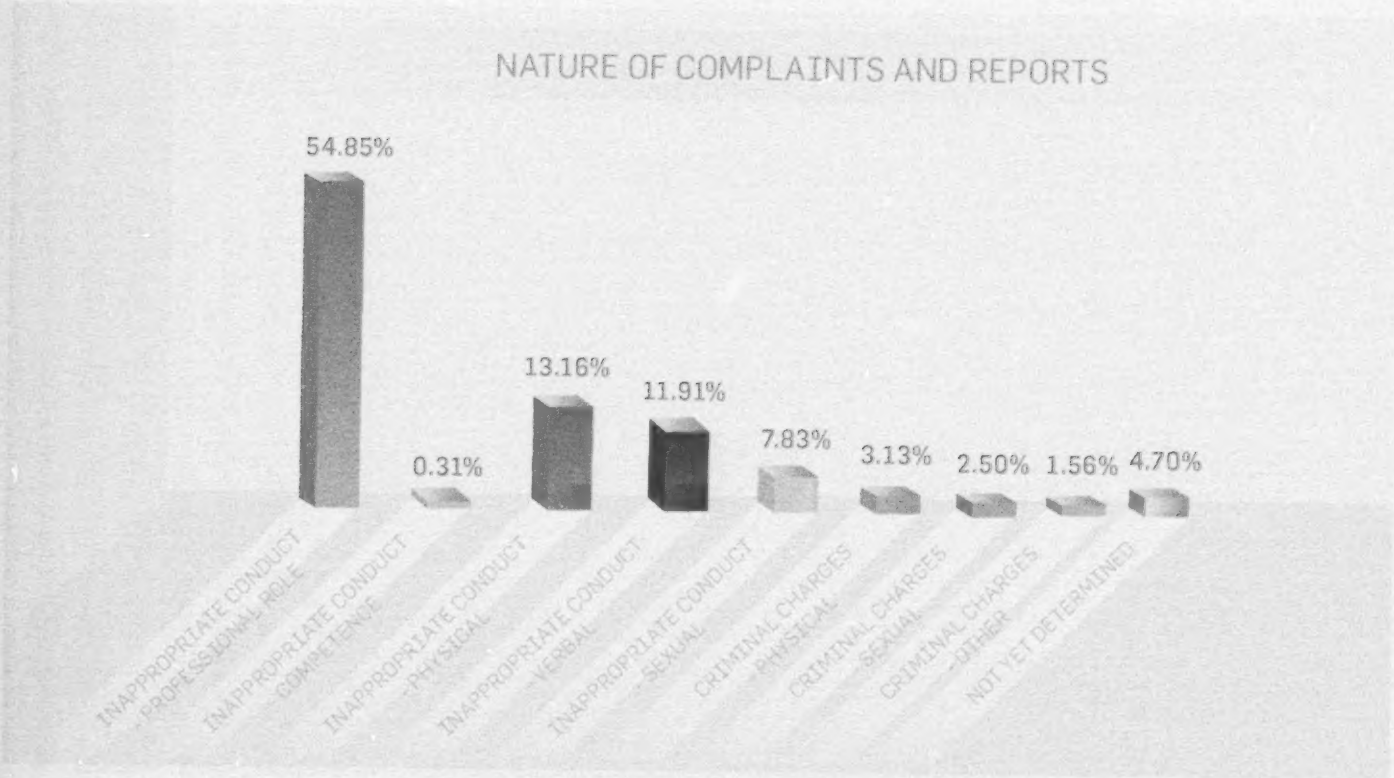
NUMBER/PERCENTAGE OF COMPLAINTS AND REPORTS BY ORIGIN



The nature of complaints and reports received

The types of complaints and reports received by the Commissioner vary widely. In the graph below the nature of complaints and reports has been broken down into specific categories including criminal charges or convictions, inappropriate conduct, or not yet determined.

Criminal charges or convictions are further broken down to include sexual, physical-non-sexual and "other" types of illegal behaviour such as fraud. Inappropriate conduct includes any conduct that is in breach of the Standards for educators in BC and is separated into the following categories: competence, physical, sexual, verbal, or professional role related matters.



Examples of reports and complaints received by the Commissioner include: inadequate classroom management or lesson plans, physical or sexual misconduct with children, anger management issues, possession of child pornography, failure to supervise children, competency, and off-duty conduct issues.

The majority of reports and complaints received fall into the category of inappropriate conduct – professional role. The professional role category typically refers to cases in which a teacher has failed to respect the professional boundaries between teacher and student, or failed to maintain an emotionally, intellectually, and physically safe learning environment. This category also includes cases related to breaches of confidentiality, fraudulent documents or inappropriate publication (e.g. posting information or referencing students on a social media site).

The intake process

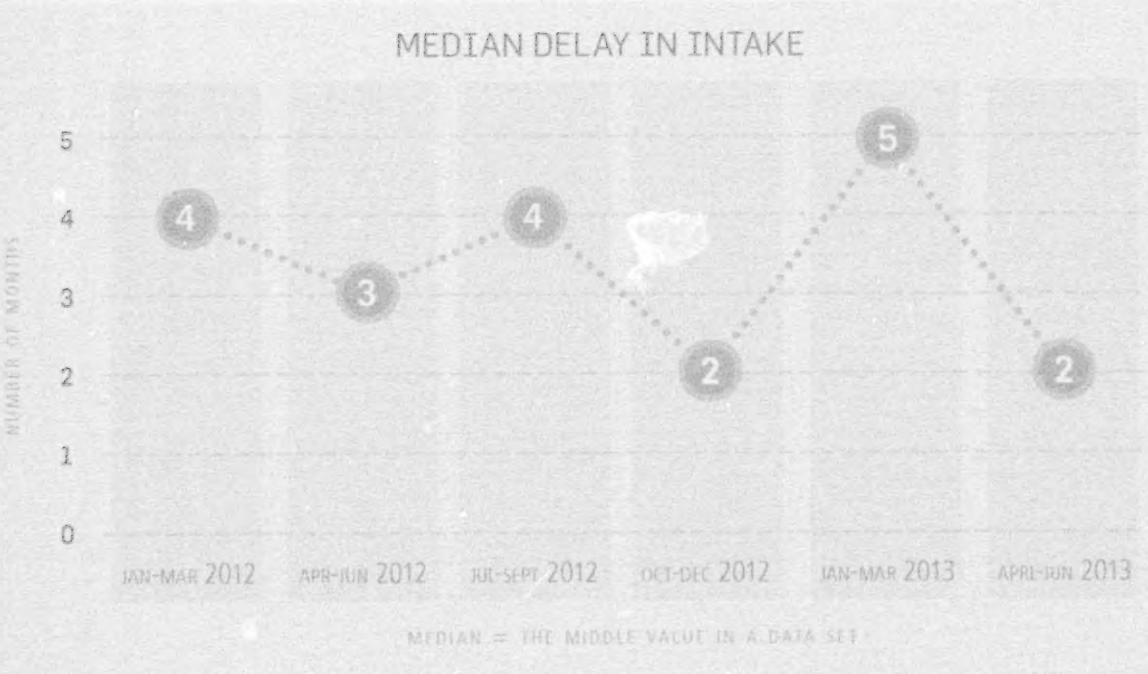
During the intake process, an intake officer creates a file, ensures jurisdiction, and gathers any pertinent information necessary for the Commissioner to carry out a preliminary review. The Commissioner uses this information to make an informed decision on the next steps such as taking no further action, initiating an investigation, making or accepting a proposal for a consent resolution agreement, or issuing a citation, which would lead to a hearing.

Since his appointment, the Commissioner has focused his attention on addressing the backlog in intake. The Commissioner continues to make changes to the administrative processes used by intake officers to reduce delay between the time a complaint or report is made and the time it takes an intake officer to develop a comprehensive file for the Commissioner's preliminary review.

One of the significant changes made to date has been to expedite the collection of information from Boards of Education or Independent School Authorities in order to allow an early preliminary review of the matters by the Commissioner. Another change to the intake process has been the careful elimination of unnecessary administrative steps. Additionally, the correspondence involved in the intake process has been standardized.

As reflected in the chart below, the delay in intake for this reporting period has hovered around three to four months. Once all remaining backlog caused by the transition from the BC College of Teachers to the Ministry of Education has been addressed, the Commissioner's goal is to see the time it takes to prepare a file in intake reduced, on average, to approximately four to six weeks.

Median delay in intake: between initial receipt of a complaint or report and the Commissioner's preliminary review.



Preliminary review

At the preliminary review stage, the Commissioner reviews all files received by intake and makes a decision on which disciplinary process, if any, is appropriate to address the conduct or competence of the teacher in question. A complaint or report may proceed down a number of different avenues.

Once the Commissioner completes his preliminary review he may choose from one of the following disciplinary processes:

- take no further action if the matter is not within the Commissioner's jurisdiction, is clearly frivolous or vexatious, or has been adequately addressed at the employer level and raises no additional regulatory concerns;
- order an investigation when further evidence related to the file is required;
- defer action on the file if the matter raised by the complaint or report is being addressed by another process (e.g. criminal proceedings);
- offer the teacher in question a consent resolution agreement; or
- in severe cases, to issue a citation for a hearing.

Stricter administrative guidelines have been established to ensure that preliminary reviews can proceed more expeditiously.

Investigations

Investigations are an important and time-consuming part of the disciplinary process. Investigators, at the request of the Commissioner, work to gather facts and evidence applicable to a report or complaint.

During the Commissioner's review of the administrative processes carried over from the BC College of Teachers, it became apparent that an increase in the number of investigators was required to reduce the investigative case load of each investigator, and, to handle an increase in the number of investigations being ordered by the Commissioner as reflected by the statistics in the following graph.

As part of the restructuring of the Professional Conduct Unit to better align with the work flow in the unit, the number of investigators increased from three in January 2012 to seven in June 2013. This increase allowed for a reduction in the amount of time it takes for a case to proceed through the investigative process. It has also resulted in a reduced case load per investigator.

In January 2012 the investigative case load averaged 31 files per investigator. By June 2013, the average case load was reduced to 26 files per investigator. While the average investigative case load remains high in comparison to other professional regulators, both inside and outside government, the Commissioner expects to see a decrease in case load over the next reporting period once all backlog from the BC College of Teachers is addressed.

In addition to increasing the number of investigators, the Commissioner continues to streamline and revise the investigation process. Changes are intended to allow for more focused investigations, resulting in better use of investigative staff resources and a reduction in the time consumed by the investigative process.

Investigations are becoming more focused through a greater interaction between the Commissioner and investigators. More frequent reviews of the information gathered during the investigation stage are being conducted by the Commissioner. Any further reductions in delay during the investigative process, after whatever time savings can be achieved by focusing investigations more narrowly, will be dependent on the number of investigators.

Consent resolution

At any point between a preliminary review or the initiation of an investigation, and the resolution of a report or complaint at a hearing, the Commissioner may offer or accept a consent resolution agreement. This is a voluntary agreement entered into by the teacher.

Consent resolutions are generally more expeditious than the citation and hearing process, and are more certain in terms of their outcomes. Additionally, consent resolution avoids potentially having witnesses, including children, testify at a hearing.

The amount of time to finalize a consent resolution agreement varies greatly depending on the circumstances of each individual case. From January 2012 to June 2013, the average time it took to finalize a consent resolution agreement was approximately 17 months.

Often this statistic reflects factors outside the control of the Commissioner. For example, it is possible for a consent resolution to be reached immediately following a preliminary review; however, it is also possible for a consent resolution to be finalized in a deferred case only after the conclusion of a lengthy criminal proceeding.

A consent resolution agreement must contain:

- the terms as set out in a proposal if its terms have been accepted by both the Commissioner and the teacher
- one or more admissions of professional misconduct or incompetence related to a report, complaint or a Commissioner initiated investigation; and
- the discipline consequence(s) (e.g. reprimand, suspension or cancellation of a certificate).

In order to encourage the prompt resolution of conduct and competency related matters, the Commissioner has put in place a process in which detailed consent resolutions terms are proposed with a time limit on the process before a citation will be issued, publicly announced, and scheduled for a hearing. As a result, the Commissioner expects the time it takes to finalize consent resolutions will be substantially reduced in the future.

Consent resolution will still be possible during the time the matter is proceeding to hearing.

Hearings

Under the *Teachers Act*, the Commissioner must appoint hearing panels from a pool of the nine Disciplinary and Professional Conduct Board members, and from a pool of lay people with legal experience and/or experience participating in administrative hearings.

All hearings are open to the public unless a panel determines that doing so would cause significant hardship to a person who has been harmed by the teacher.

If a case proceeds to hearing, the hearing panel is responsible for determining the appropriate sanctions based on the merits of the case.

[DISCIPLINE OUTCOMES]

The outcome of a complaint or report can vary depending on a number of factors such as the nature of the complaint, the evidence available to support the allegation(s), and the cooperation of the parties involved.

As illustrated below, 33.33% of reports and complaints received by the Commissioner receive no further action following a preliminary review. The Commissioner determined no further action was needed on an additional 45.36% of complaints and reports after investigation or deferral. The Commissioner would decide to take no further action if:

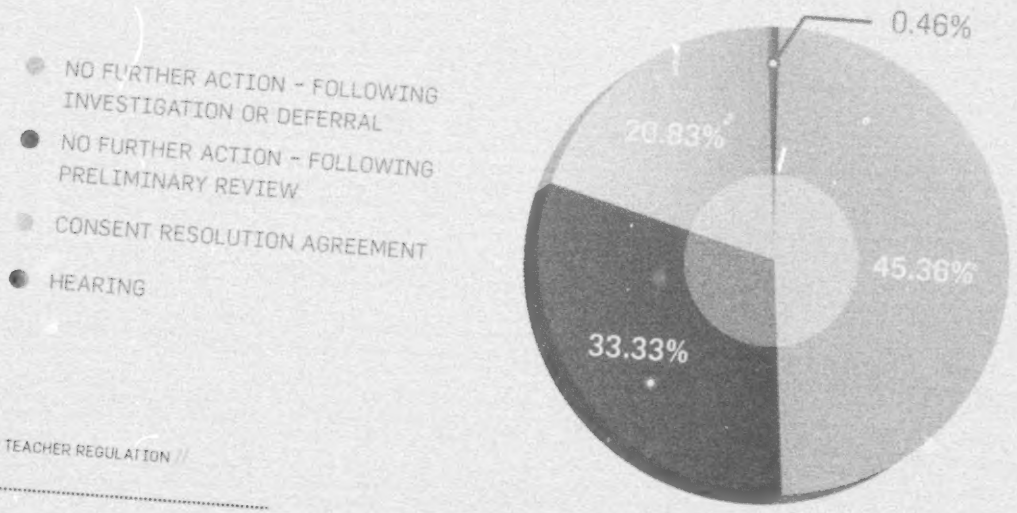
- the matter is not within his jurisdiction or that of a panel;
- the matter is frivolous, vexatious or trivial or gives rise to an abuse of process;
- the report or complaint was made in bad faith or filed for an improper purpose or motive;
- there is no reasonable prospect the report or complaint will result in a finding of misconduct or incompetence by a panel;
- it is not in the public interest to take further action in respect of the matter; or
- the matter has not been pursued in a timely manner.

20.83% of cases the Commissioner receives are resolved by consent resolution agreement

During the period covering this report, 20.83% of cases the Commissioner received were resolved by consent resolution agreement. The Commissioner will continue to promote the consent resolution process to resolve allegations of teacher misconduct and incompetence as the outcome of a consent resolution is more clearly defined, timelier and more cost effective.

Although a number of hearings have been scheduled since the Teachers Act came into force, only one hearing resulted in a disciplinary outcome. Those hearings that were cancelled were resolved through consent resolution.

PERCENTAGE OF CASES RESOLVED BY STAGE OF PROCESS



The type of sanctions imposed on teachers who have been found guilty of breaching the Standards for educators in BC vary depending on the severity of the breach.

As the statistics illustrate, the majority of sanctions consisted of a reprimand. Suspensions, cancellations, and relinquishments of a teacher's certificate without the possibility of reapplying, are also possible sanctions.

DISCIPLINE OUTCOMES BY SANCTION TYPE

Discipline outcomes , whether arrived at through a consent resolution agreement or a hearing, will be made public on the Teacher Regulation Branch website unless the Commissioner or a panel decides this would cause significant hardship to a person who was harmed by the teacher. Discipline outcomes will also be captured on the public Online Registry as required by the *Teachers Act*. The purpose of publishing discipline decisions is to provide the public with the confidence that educators who fail to meet the Standards are held accountable.

STRATEGIC GOALS FOR 2013-2014

The Commissioner has a number of goals over the next year.

1. Continuing to reduce delay in the:
    - intake process, between the receipt of a complaint or report and the time it is presented to the Commissioner for preliminary review;
    - investigative process;
    - consent resolution process through the establishment of new administrative processes; and
    - hearing process, through the establishment of new administrative processes to ensure matters proceed to resolution expeditiously.
2. Ensure that there are resources available to deal remedially with the education of teachers in the areas of anger management and professional boundaries relating to teacher-student relationships. Both of these issues arise frequently in the complaints and reports that the Commissioner has dealt with to date.
3. Develop and disseminate guidelines for teachers who are involved in coaching students in various sports. The line between vigorous coaching practices and conduct that emotionally harms students is a difficult one to draw. However, it must be drawn. Some of the most concerning complaints the Commissioner has dealt with in the months since being appointed have involved this issue.
4. Continue to take steps to engage the public as well as education stakeholders to ensure that there is a broad understanding of the disciplinary processes under the *Teachers Act*.

In the 2013-2014 year the Commissioner expects to be placed in a position to assess whether any remaining delay is inordinate. The Commissioner looks forward to the challenges of the next year. He is determined to improve the safety of students and the quality of education in the province.

ACKNOWLEDGEMENTS

The following biographies
highlight the qualifications, expertise
and experience of the Professional Conduct Unit staff
of the Ministry of Education, and Legal Services
staff from the Ministry of Justice

In order to meet his strategic goals for 2013-2014, the Commissioner will rely upon the staff of the Teacher Regulation Branch for the necessary administrative support.

Sarvi Mirbagheri

Director of Professional Conduct

Sarvi brings to her role five years of experience in administrative law and regulation obtained through working as an investigator with the BC College of Teachers and the Teacher Regulation Branch and as an adjudicator with WorkSafeBC. Sarvi graduated from the University of British Columbia with a Bachelor of Arts in English and Political Science and a Juris Doctorate degree.

Andrea Adams

Hearing Support Officer

Prior to accepting this appointment in 2013, Andrea worked on contract at the Teacher Regulation Branch as a confidential assistant for a year. Andrea brings to this role extensive administrative experience gained through working for Santander Bank in the UK and through six years of working in the marketing department for Sotheby's Realty in Spain. Andrea has a Bachelor of Science (honours) in Molecular Genetics from the University of Westminster in England.

Kimberley Dionne

Hearing Coordinator

Prior to her appointment in 2003, Kimberley worked for four years as the Practice and Conduct Coordinator with the Architectural Institute of BC, during which time she gained experience in conduct-related matters and the principles of administrative justice. Before moving to BC, Kimberley was employed by Manitoba Consumer and Corporate Affairs for ten years. Kimberley has a Human Resource Management Certificate from the University of Manitoba and a Paralegal/ Legal Assistant Certificate from Capilano College.

Wendy Day

Confidential Assistant, Investigations

Wendy was appointed to this position in 2013. Prior to joining the Teacher Regulation Branch, Wendy worked as a project assistant at the BC Public Service Agency. Wendy brings to this role 13 years of legal experience as a court clerk at the Supreme Court of British Columbia. Wendy has a Justin Training Certificate and a certificate in Civil Electronic Information System through Court Service, BC Supreme Court.

Helen Grieve

Investigator

Helen, appointed to this position in 2012, previously worked at the Branch as a report writer. As a qualified lawyer in the United Kingdom, Helen brings to her role eight years of experience in legal and regulatory fields. Helen graduated from University of Nottingham with a Bachelor of Laws (honours). Following graduation Helen completed the Legal Practice Course at the College of Law.

Mitra Golnaraghi
Investigator

Mitra, previous to this appointment, worked at the BC College of Teachers drafting investigation reports. As a qualified lawyer in BC and Ontario, Mitra brings to her role 16 years of experience in insurance defense law, professional malpractice litigation and mediations. Mitra has a Bachelor of Arts degree with a double major in Political Science and Germanic Studies and, a Juris Doctorate degree from the University of British Columbia. Mitra is a member of the BC Law Society and the Law Society of Upper Canada.

Katarina Hodak
Investigator

Prior to being appointed to this position in 2012, Katarina worked at the BC College of Teachers as an independent contractor drafting investigative reports. Katarina brings to her position 16 years of regulatory knowledge and experience gained at the Law Society of BC where she worked as a paralegal in the Credentials and Professional Conduct departments, and as an investigative analyst in Audit and Investigations. Katarina holds a Bachelor of Arts degree in English and Psychology from the University of Victoria, and a Paralegal Diploma from Capilano College.

Winson Ip
Investigator

Winson joined the BC College of Teachers in 2004. Prior to accepting his current appointment Winson worked as confidential assistant with the investigations team. Concurrent to his work at the College and the Teacher Regulation Branch, Winson is employed as a jail guard with a municipal police department. Winson has a diploma in Operations Management from the BC Institute of Technology and an Investigation and Enforcement Skills Certificate from the Justice Institute of BC.

Ana Rodriguez
Confidential Assistant, Investigations

Ana was appointed to this position in 2013. Prior to this appointment, Ana worked for six years as a court clerk with the Vancouver Law Courts. With over ten years of office administration experience Ana brings a depth experience to her new role. Ana has a Diploma in Business Administration from the Academy of Learning.

Billy Sutherland
Intake Officer

Since joining the BC College of Teachers in 1990 Billy has worked in a number of different capacities including Confidential Secretary to the Deputy Registrar, Confidential Assistant in Intake, and Confidential Assistant in Investigations. In 2003 Billy developed the Professional Conduct File Management Database which the unit continues to use to support its operations. Billy has a Diploma in Nursing from George Brown College and a Diploma in Ballet Instruction from the National Ballet School of Canada.

Annette Strampe
Investigator

Appointed in 2012, Annette brings a wealth of experience and knowledge from 20 years of law enforcement and investigations of serious crime and regulatory offences in both Canada and South Africa. Annette served three years on the BC Police Victim Service Board of Directors. Before moving to Canada, Annette worked as a detective with the South African Police Service, specializing in the investigation of sex crimes and crimes against women and children. Annette has a Bachelor of Arts with a double major in Psychology and Criminology from the University of South Africa.

Susan Wynn
Intake Officer

Since joining the BC College of Teachers in 2010, Susan has worked as a confidential assistant providing hearing and investigation support and as a secondee to the Ministry of Justice supporting one of the Teacher Regulation Branch's in-house legal counsel. Before joining the regulatory world, Susan gained experience working in administrative positions at two law firms. Susan graduated from Vancouver Community College's Administrative Assistant Program.

The Commissioner will also rely on Legal Services staff from the Ministry of Justice for legal services support.

Maureen Boyd - Legal Counsel

Maureen has over 22 years of legal experience in private practice and regulatory settings. In 2006 Maureen joined the BC Law Society where she was the Manager of Discipline and Senior Discipline Counsel, prosecuting disciplinary cases against lawyers. Prior to joining the public sector, Maureen worked as a lawyer in private practice primarily in the areas of labour and employment law. Maureen graduated from the University of British Columbia with a Bachelor of Arts (honours) in history and then qualified as an elementary teacher. In 1989, Maureen received a Bachelor of Laws degree from the University of Victoria and was called to the bar in 1990.

Stephanie Jackson - Legal Counsel

Since being called to the bar in 1994, Stephanie has acquired a breadth of knowledge and experience working in both public and private sector litigation. Stephanie joined government in 2005, where she has worked as a litigator in the area of human rights and, more recently, has also been counsel to the Registrar of Mortgage Brokers, Superintendent of Real Estate and Superintendent of Financial Institutions. Prior to joining the public sector, Stephanie worked as a civil litigator in the private sector, with a focus on commercial and construction litigation.

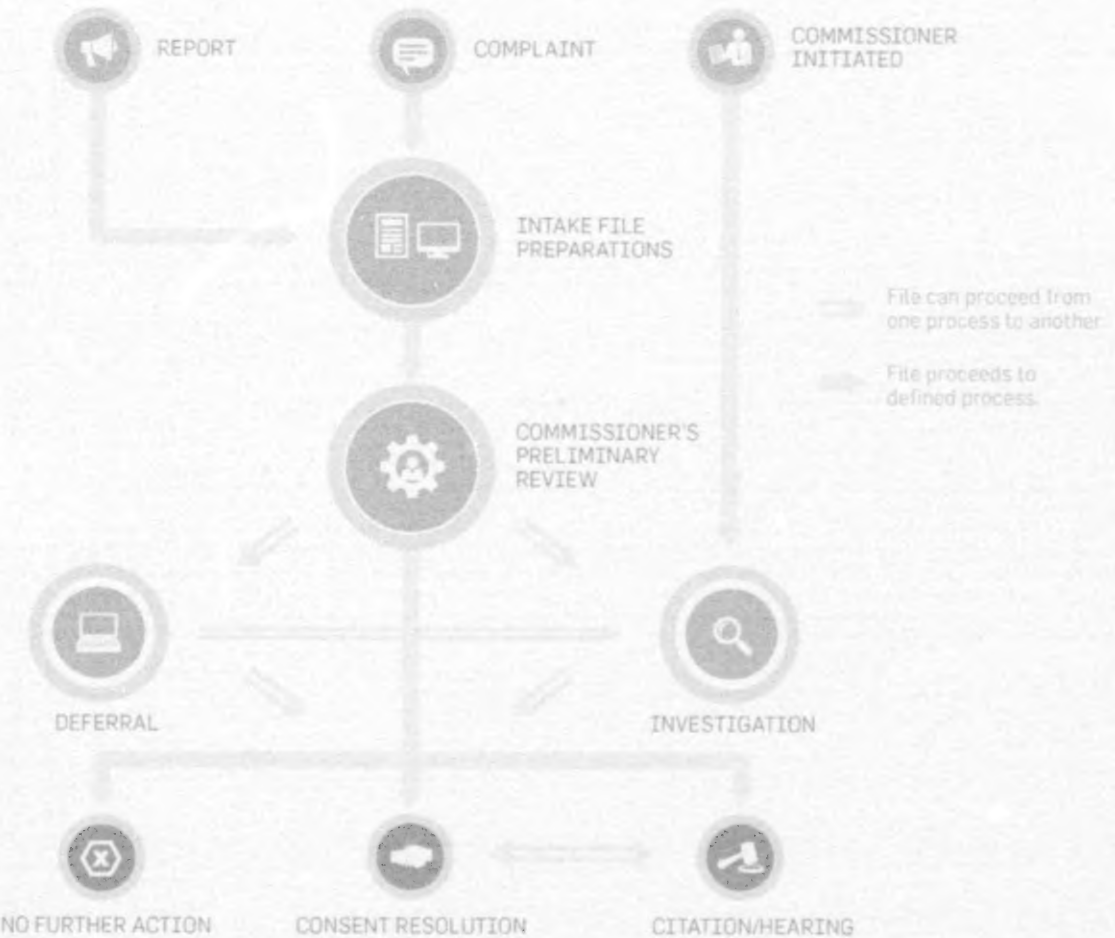
APPENDICES

[A. OVERVIEW OF THE DISCIPLINARY PROCESS]

The Commissioner, upon receiving a report or complaint file prepared by an intake officer, will conduct a preliminary review of the file and determine which, if any, disciplinary process is appropriate to address a complaint or report. Under the *Teachers Act*, the Commissioner has the following options available:

1. Take no further action (NFA);
2. Deferral;
3. Initiate an investigation;
4. Make or accept a proposal for a consent resolution agreement; or
5. Issue a citation, which leads to a hearing.

A file may proceed through the disciplinary process a number of different ways depending on the specifics of the case. While this visual provides an accurate depiction of the disciplinary process in place currently, this could change in the future as the Commissioner works to reduce and/or eliminate delay in administrative and adjudicative processes.



[B. DUTY TO REPORT]

Under the *Teachers Act*, the *School Act*, the *Independent School Act*, and the *Criminal Records Review Act*, teachers and employers are required to report or self-report any instance of misconduct or incompetence of a teacher even if discipline at the employment level has already been imposed. The duty to report to the regulatory level protects the safety of children within the public and independent school systems and ensures that teachers who fail to meet the Standards for competence and conduct will be held accountable.

Teachers

Under section 38 of the *Teachers Act*, a teacher must promptly provide to the Commissioner a written and signed report if he/she has reason to believe that another teacher has engaged in conduct that involves any of the following:

- physical harm to a student
- sexual abuse or sexual exploitation of a student
- significant emotional harm to a student

Under section 17.9 of the *Criminal Records Review Act*, teachers are required to self-report promptly to the Director of Certification if they are criminally charged or convicted in relation to a "relevant offence" (an offence listed in Schedule 1 of the *Criminal Records Review Act*).

Employers

Under Section 16 of the *School Act* and section 7 of the *Independent School Act*, boards of education and independent school authorities have a duty to report the following to the Commissioner:

- a suspension or dismissal
- a resignation, if it is in the public interest to report the matter
- discipline for misconduct involving:
    - physical harm to a student or minor,
    - sexual abuse or sexual exploitation of a student or minor, or
    - significant emotional harm to a student or minor
- conduct or competence considered to be in breach of the certification standards, if it is in the public interest to do so

[C. RESOURCES]

Resources for the public and education stakeholders

Applicable legislation

Teachers Act
Commissioner's Regulation
Commissioner's Rules

Standards for Educators in BC

Standards for the Education, Competence and Professional Conduct of Educators in BC
Independent School Teacher Conduct and Competence Standards
Understanding your duty to report

Complaints

Making a Complaint brochure
Complaint Form

Contact Information

Commissioner for Teacher Regulation – to make comments
Email: CommissionerTeacherRegulation@gov.bc.ca
Intake area – to ask questions about making a complaint
Email: trb.intake@gov.bc.ca

To obtain a copy of these resources or to get more information on the work of the Commissioner visit:
www.bcteacherregulation.ca/index.aspx

COMMISSIONER FOR TEACHER REGULATION

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400-2025 West broadway
Vancouver, BC V6J 1Z6 Canada